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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,074	09/26/2003	Randall Heath	043850.016	2926
25461 7590 09/14/2009 SMITH, GAMBRELL & RUSSELL SUITE 3100, PROMENADE II 1230 PEACHTREE STREET, N.E. ATLANTA, GA 30309-3592				
EXAMINER				
SAFAVI, MICHAEL				
ART UNIT		PAPER NUMBER		
3637				
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09/14/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Box 13: Contd.** Applicant's reply would serve to overcome the rejection of claim 10 under 35 U.S.C. § 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. However, the declaration filed June 12, 2009 is now defective in that the statement of errors contained within the declaration of June 12, 2009 appears inaccurate. Therefore, claims 1-10 would otherwise be held unpatentable as being based upon a defective reissue declaration under 35 U.S.C. § 251.

As the declaration presented on June 12, 2009 is not correct with respect to the amendment filed August 17, 2009 a rejection of claims 1-10 under 35 U.S.C. § 251 would be in order.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL SAFAVI whose telephone number is (571)272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Michael Safavi/  
Primary Examiner, Art Unit 3637

M. Safavi  
August 31, 2009